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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,100	03/31/2004	Mark Douglass	D-1224 R1	5175
28995	7590	10/05/2004	EXAMINER	
RALPH E. JOCKE 231 SOUTH BROADWAY MEDINA, OH 44256			TAYLOR, APRIL ALICIA	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,100

Applicant(s)

DOUGLASS, MARK

Examiner

April A. Taylor

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,40 and 42-49 is/are rejected.
- 7) ☒ Claim(s) 21-39,41 and 50-57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17,20, 42-46, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Terranova et al (US 6,685,089), hereinafter Terranova.

Re claims 1-3: Terranova teaches a system for allowing customers to conduct a remote banking transaction at a fuel dispensing machine, the fuel dispensing machine comprising a currency dispenser 52; a magnetic stripe reader 30; a RFID tag reader 47; wherein the fuel dispenser is operative to read data from a user card using at least one of the magnetic stripe reader and the RFID tag reader; wherein the RFID tag reader is positioned adjacent to the magnetic stripe reader (see figure 1); and wherein the magnetic stripe reader and the RFID reader is operative to read data from a user card inserted into the slot. (See col. 3, line 17 to col. 4, line 55; col. 5, line 34 to col. 6, line 35; and col. 7, line 1+)

Re claims 4-5 and 42: Terranova teaches wherein the machine includes at least one controller including at least one processor, wherein the controller is in operative

communication with both the magnetic stripe reader and the RFID tag reader (see col. 3, line 17 to col. 4, line 55).

Re claims 6-7: Terranova teaches wherein at least one controller is operative to determine if at least a portion of the stripe data and at least a portion of the tag data have predetermined relationship; and wherein, responsive to determining the predetermined relationship, the controller is operative to enable the machine to carry out at least one transaction function (see col. 3, line 17 to col. 4, line 55; col. 5, line 34 to col. 6, line 35).

Re claim 8: Terranova teaches wherein the at least one transaction function includes dispensing currency notes from the machine through operation of the currency dispenser 52.

Re claims 9 and 43: Terranova teaches wherein the machine includes at least one user input device (44, 46) in operative connection with the controller, and wherein the user input device is operative to receive at least one user input corresponding to the card, and wherein the controller is operative to enable dispensing currency notes responsive to at least a portion of at least one of the stripe data and tag data corresponding to the user input (see col. 3, line 17 to col. 4, line 55; col. 5, line 34 to col. 6, line 35).

Re claims 10, 11, and 44: Terranova teaches wherein the at least one user input device comprises a keypad 46 having a plurality of keys, and the at least one user input comprises actuating at least one key of the keypad 46.

Re claims 12 and 13: Terranova teaches wherein the at least one user input comprises a PIN and wherein the PIN corresponds to the stripe data (see col. 7, line 44+).

Re claim 14: Terranova teaches wherein the input device comprises a biometric input device 50.

Re claims 15 and 45: Terranova teaches wherein the machine comprises at least one output device 42 and wherein the controller is operative to cause the machine to output at least one question through the output device 42, and wherein the controller is operative to enable dispensing currency notes responsive to at least one answer input provided through the input device responsive to the at least one question (see col. 3, line 17 to col. 4, line 55; col. 5, line 34 to col. 6, line 35; and col. 7, line 1+).

Re claims 16 and 46: Terranova teaches wherein the controller is operative to determine if the answer input has a predetermined relationship to at least a portion of the tag data (see col. 3, line 17 to col. 4, line 55; col. 5, line 34 to col. 6, line 35; and col. 7, line 1+).

Re claim 17: Terranova teaches wherein the data includes data corresponding to a correct answer to the at least one question, and wherein the controller is operative to determine if the answer input corresponds to a correct answer (see col. 3, line 17 to col. 4, line 55; col. 5, line 34 to col. 6, line 35; and col. 7, line 1+).

Re claims 20 and 49: Terranova teaches wherein the at least one controller is operative to output the at least one questions responsive to at least a portion of the tag

data (see col. 3, line 17 to col. 4, line 55; col. 5, line 34 to col. 6, line 35; and col. 7, line 1+).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18, 19, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terranova et al (US 6,685,089) in view of Otto (US 6,578,760). The teachings of Terranova have been discussed above.

Terranova fails to teach or fairly suggest wherein the controller is operative to output a plurality of questions, and wherein the tag data includes data corresponding to correct answers to a plurality of questions; and wherein the controller is operative to present the questions randomly.

Otto teaches an automated teller machine having a controller operative to output a plurality of questions; a smart card including data corresponding to correct answers to a plurality of questions; and wherein the controller is operative to present the questions randomly (see col. 6, line 38+). In view of Otto's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a controller operative to randomly output a plurality questions; and a card/tag having data corresponding to the plurality of questions to the teachings of Terranova in order to

effectively identify the person operating the machine and to prevent any fraudulent use of the machine.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terranova et al (US 6,685,089). Terranova discloses the claimed invention except for wherein the RFID tag is releasably attached to the card. It would have been an obvious to one of ordinary skill to have a RFID tag releasably attached to a card, since applicant has not discloses that this feature solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with either feature.

Allowable Subject Matter

6. Claims 21-39, 41, and 50-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fail to teach or fairly suggest an automated banking machine comprising, among other things, at least one RFIID tag writer, and wherein the at least one controller is operative to cause the machine to output at least one additional question, and to receive at least one additional answer input through the at least one input device, and wherein the controller is operative to cause the tag writer to store data corresponding to the additional answer and the additional question in the tag data.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Terranova et al (US 6,766,949) discloses a system for allowing customers to conduct a transaction at a fuel dispenser and obtain cash back in association with the transaction at the dispenser; and Charrin (US 6,601,771) discloses a combined smart card and magnetic card stripe card reader.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and

Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAT
29 September 2004



KARL D. FRECH
PRIMARY EXAMINER